

REMARKS

Regarding the Claim Amendments:

By this Amendment, Applicants have amended claims 22, 37, 39, 40, and 42, and cancelled claim 38 without prejudice or disclaimer of its subject matter. Support for the amendment to claim 22 exists in the specification at, for example, p. 10, ll. 3-17, p. 35, ll. 2-19, p. 36, lines 1-4, and in claims 37-39. Claims 37, 39, 40, and 42 have been amended to correct antecedent basis and claim dependency in light of the cancellation of claim 38 and the amendment to claim 22. Upon entry of this Amendment, claims 22-37 and 39-42 are pending and under current examination.

Regarding the Office Action:

For the reasons presented herein, Applicants traverse the rejections set forth in the Office Action¹, wherein the Examiner:

- (a) rejected claims 22-33, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,221,873 (“Bock”) in view of U.S. Patent No. 6,809,258 (“Dang”) and U.S. Patent App. Pub. No. 2004/0015614 (“Tonietto”);
- (b) rejected claims 34-36 under 35 U.S.C. § 103(a) as being unpatentable over Bock, Dang, and Tonietto, and further in view of U.S. Patent App. Pub. No. 2004/0076168 (“Patenaude”); and
- (c) rejected claims 37-40 under 35 U.S.C. § 103(a) as being unpatentable over Bock, Dang, and Tonietto, and further in view of U.S. Patent App. Pub. No. 2004/0258058 (“Heston”).

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 22-33, 41, and 42:

Applicants request reconsideration and withdrawal of the rejection of claims 22-33, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Bock in view of Dang and Tonietto.

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). Specifically, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention, at least because he has not interpreted the prior art and considered *both* the invention *and* the prior art *as a whole*. *See* M.P.E.P. § 2141(II)(B).

Particularly, each of the cited references, taken alone or in combination, fails to teach or suggest at least Applicants' claimed:

wherein the at least one second card further includes a control unit and a dynamically configurable electronic switch, wherein the control unit is configured to program the electronic switch according to a number of predetermined switch configurations and based on instructions received from one of the plurality of electro-optical components or from an external device (claim 22).

It appears that of all the references cited in the Office Action, only Heston might arguably disclose an electronic switch. *See, e.g., Heston*, Fig. 3, element 316, to which the Examiner cites in his rejection of claim 37; *see also* Office Action, p. 11. None of Bock, Dang, Tonietto, and Patenaude, however, teach or suggest at least the claimed "dynamically configurable electronic switch..." as recited in claim 22. Moreover, the electronic switch in Heston does not appear to constitute Applicants' claimed control unit and electronic switch as well as their functions recited in claim 22. For example, Heston discloses a "[l]ine card 204 ... configured to convert received STS-48 SONET signals into an appropriate, original format" Heston, par. [0034]. Heston further discloses a "[m]odule 316 [that] includes switches and a sub-module which performs a Gigabit Ethernet mapping function on received Gigabit Ethernet signals to effectively

convert Gigabit Ethernet signals into contiguous or virtual concatenations of SONET signals which may then be mapped into an STS-48 SONET signal.” Heston, par. [0042]. Here, Heston appears to teach a module, including switches, which performs a mapping to convert a Gigabit Ethernet signal into SONET signals. Heston also teaches “[s]witches within a module **316** allow an OC-48 signal to pass through module **316**” *Id.* However, Heston does not teach or suggest at least the following element of claim 22:

wherein the at least one second card further includes a control unit and a dynamically configurable electronic switch, wherein the control unit is configured to program the electronic switch according to a number of predetermined switch configurations and based on instructions received from one of the plurality of electro-optical components or from an external device
(claim 22, emphases added).

Thus, Bock, Dang, Tonietto, Patenaude, and Heston, taken alone or in combination, do not render obvious any of Applicants’ claims. The Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In view of the reasoning presented above, Applicants therefore submit that independent claim 22 is not obvious over Bock, Dang, Tonietto, Patenaude, and Heston, taken alone or in combination, and claim 22 should therefore be allowable. Dependent claims 23-33, 41, and 42 should also be allowable at least by virtue of their dependence from base claim 22. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection.

Remaining 35 U.S.C. § 103(a) Rejections:

Applicants request reconsideration and withdrawal of the rejections of claims 34-40 under 35 U.S.C. § 103(a) as being unpatentable over Bock in view of Dang, in view of Tonietto, and further in view of Patenaude or Heston.

As discussed in the previous section, the cited references do not render obvious Applicants' independent claim 22, at least because the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In particular, the cited references do not teach or suggest at least the above-quoted elements of Applicants' independent claims 22.

For at least the above reasons, Applicants' independent claim 22 is not obvious over the cited references, and should therefore be allowable. Dependent claims 34-40 should be allowable at least by virtue of their dependence from base claim 22. Applicants therefore request withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the objections and rejections. Pending claims 22-37 and 39-42 are in condition for allowance, and Applicants request a favorable action.

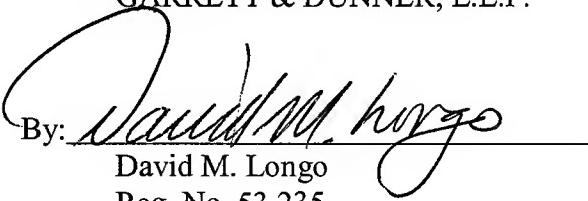
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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